

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

October 27, 1989



ALL COUNTY INFORMATION NOTICE NO. I-74-89

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AVAILABILITY OF AFDC-FG/U FOR CHILDREN PLACED PURSUANT
TO THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

REFERENCE: ACL 83-73

The Department has received a number of questions recently about the availability of AFDC-FG/U for children placed across state lines pursuant to the Interstate Compact on the Placement of Children (ICPC) -- both for children placed in California and for children placed by California in another state.

BASIC CONCEPTS

Before determining the availability of AFDC-FG/U for children placed across state lines pursuant to the ICPC, it is well to understand certain basic concepts.

Sending Agency. To initiate an interstate placement, there must be a sending agency. The ICPC defines a "sending agency" as:

... a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state. (California Civil Code (CC) Section 265, Article 2, Subdivision (b))

Medical and Financial Plan. Before a child is placed in or out of California pursuant to the ICPC, the sending agency must present to other agencies concerned with the placement an acceptable medical and financial plan for the child. The plan will include a statement specifying who is responsible for support of the child.

Responsibility for the Child. Under the ICPC, the sending agency retains legal, financial, and medical responsibility for the child until ICPC jurisdiction is terminated, i.e., the child is adopted, reaches majority, becomes self-supporting, or is discharged with the concurrence of the appropriate authority in the receiving state. (CC Section 265, Article 5, Subdivision (a))

Actual support will be based on the medical and financial plan and on whether or not the planned support actually becomes available. Though it is permissible for the plan to specify that support will be provided by a person or agency in the receiving state, the ICPC requires that the sending agency support the child if for any reason the plan fails. The sending agency may actually never be required to provide support, but it does serve as guarantor of support.

The Interstate Placement Bureau of the State Department of Social Services, the state level agency in California which processes ICPC referrals, will complete the processing of an ICPC referral only when the sending agency accepts ultimate responsibility for support of the child.

Public Assistance -- AFDC. In this context, AFDC-FC and AFDC-FG/U become potential sources of financial support. Because the questions we are responding to are related to AFDC-FG/U, the discussion in this letter is limited to that program, but the reader should remain aware that AFDC-FC is also a potential source of financial support for children placed across state lines.

AFDC-FG/U may be specified in the financial plan submitted by the sending agency. The plan may provide that an application will be filed on the child's behalf for AFDC-FG/U with the sending state or with the receiving state. AFDC-FG/U, however, becomes an actual means of support only after the child is granted AFDC-FG/U. If the child does not qualify for AFDC-FG/U, support would have to be provided by some other means. The sending agency might then be called on to fulfill its commitment to meet the financial and medical needs of the child without AFDC-FG/U as a resource.

DEFINING STATE OF RESIDENCE FOR AFDC-FG/U

Child Placed in California. Manual of Policies and Procedures (MPP) Section 42-403.11 provides that a person entering California meets the California AFDC-FG/U residence requirement if he or she is in California voluntarily FOR OTHER THAN A TEMPORARY PURPOSE.

When a child is placed in California pursuant to the ICPC, the child will meet California's residence requirement UNLESS the placement is temporary. A placement is considered temporary when it has a definite termination date. The California residence requirement is met even though a court or agency in the sending state retains jurisdiction over the child.

If the purpose of the placement in California is temporary, i.e., specifically time limited, the child will not meet the California residence requirement.

Child Placed Out of State by California. MPP 42-403.2 provides that a California resident continues to meet the California AFDC-FG/U residence requirement until the person leaves the state and establishes residence elsewhere.

In view of this rule, a California child placed in another state pursuant to the ICPC will retain California residence for AFDC-FG/U as long as the child does not establish residence there. Under AFDC-FG/U, a child who is under the jurisdiction of a California court who is placed in another state is not considered by California to have established residence in that state as long as the California court retains jurisdiction over the child. See MPP 42-415.1.

PROVIDING AFDC-FG/U FOR A CHILD PLACED IN OR BY CALIFORNIA

California AFDC-FG/U is available for any child placed pursuant to the ICPC between California and another state for as long as the child continues to meet California AFDC-FG/U eligibility requirements.

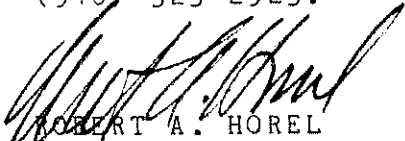
Child Placed in California. When a plan to place a child in California provides that California AFDC-FG/U will be sought, normal eligibility determination procedures will be used by the receiving county. The child must meet all California eligibility requirements, including the residence requirement. If the child fails to qualify for AFDC-FG/U in California for any reason, the sending agency, as specified in the required medical and financial plan, is expected to provide support for the child.

Child Placed Out of State by a California Agency. If the plan calls for a California county welfare department, as a sending agency, to provide AFDC-FG/U for the child, that county will be responsible for determining initial and ongoing eligibility and the correct grant amounts (at California AFDC-FG/U grant levels).

The caretaker relative, even though living in another state, is responsible for assuring that the child continues to meet all the California AFDC-FG/U eligibility requirements, including the monthly reporting requirement. California AFDC-FG/U is provided only for the child. The caretaker would not receive California AFDC-FG/U because the caretaker would not be a California resident.

If the plan calls for a public agency in the RECEIVING STATE to provide AFDC-FG/U for a child placed by California, the child will not receive support from the sending agency in California unless AFDC-FG/U is denied by the state where the child is placed. In such case it is necessary, under the medical and financial plan, for the sending agency in California to support the child.

Please direct questions regarding AFDC-FG/U to John Honeycutt of the AFDC and Food Stamp Policy Implementation Bureau at (916) 445-1131. Questions regarding interstate placement of children should be directed to an Interstate Placement Bureau Consultant at (916) 323-2923.



ROBERT A. HOREL
Deputy Director

cc: CWDA